



# **Town of New Windsor**

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## **OFFICE OF THE PLANNING BOARD**

**WEDNESDAY, NOVEMBER 10, 2004 — 7:30 PM**  
**TENTATIVE AGENDA**

**CALL TO ORDER**  
**ROLL CALL**

**APPROVAL OF MINUTES DATED:     JULY 28, 2004**  
**SEPTEMBER 8, 2004**  
**SEPTEMBER 22, 2004**

### **ANNUAL MOBILE HOME PARK REVIEW:**

- a.     **HILL & DALE MOBILE HOME PARK (TOBACK)**

### **PUBLIC HEARINGS:**

1. **VALLEY FIELDS SUBDIVISION (formerly SAWYER ) (03-31) BETHLEHEM ROAD & JACKSON AVENUE – Proposed 14-lot residential subdivision.**

### **ZBA REFERRALS:**

2. **EXXON MOBIL SITE PLAN AMENDMENT (04-33) – Vails Gate 5-corners**

### **REGULAR ITEMS:**

3. **BUILDERS ASSOC. OF HUDSON VALLEY SITE PLAN (04-13) – Rt. 207**
4. **KING OF KINGS CHURCH SITE PLAN (03-21) UNION AVE . – Field Change**
5. **FIRST COLUMBIA SITE PLAN (03-202) NYIP--Re-approval**

**DISCUSSION**  
**ADJOURNMENT**

**(NEXT MEETING – DECEMBER 8, 2004)**

TOWN OF NEW WINDSOR

PLANNING BOARD

NOVEMBER 10, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
JERRY ARGENIO  
NEIL SCHLESINGER  
DANIEL GALLAGHER  
ERIC MASON

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

JENNIFER GALLAGHER  
PLANNING BOARD SECRETARY

ABSENT: RON LANDER  
THOMAS KARNAVEZOS

REGULAR MEETING

MR. PETRO: I'd like to call the November 10, 2004 meeting of the Town of New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

November 10, 2004

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APPROVAL OF MINUTES DATED:    JULY 28, 2004  
   SEPTEMBER 8, 2004  
   SEPTEMBER 22, 2004

MR. PETRO: Has everyone had a chance to read the minutes dated July 28, 2004, September 8, 2004 and September 22, 2004?

MR. ARGENIO: I've read them, I'd like to make a motion we approve and accept them as written, all three of them.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as submitted. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

HILL & DALE MOBILE HOME PARK

MR. PETRO: Mike, someone from your department been there? Do you have any outstanding comments for a one year extension?

MR. BABCOCK: Mr. Chairman, that name is wrong, Toback, that needs to be changed, I don't know how that got created but it did, it's a typo. Everything as usual in this park, he runs a very nice place, Mr. Chairman, everything is fine.

MR. PETRO: Do you have a check for \$150 made out to the Town of New Windsor?

MR. ARGENIO: Motion we grant the Hill & Dale Mobile Home Park one year extension.

MR. SCHLESINGER; Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Hill & Dale Mobile Home Park. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: See you in one year. Thank you.

PUBLIC HEARINGS:

VALLEY FIELDS SUBDIVISION (FORMERLY SAWYER) (03-31)

Mr. Kurt Schollmeyer, P.E. appeared before the board for this proposal.

MR. PETRO: Valley Fields subdivision formerly Sawyer subdivision on Bethlehem Road, proposed 14 lot residential subdivision. This application proposes subdivision of 33.4 acre parcel into 4 single family residential lots. The application was previously reviewed at the 22 October, 2003, 25 February, 2004, 28 April, 2004 planning board meetings. It's in an R-1 zoning, planned layout has been revised to react with the design requirements relative to the wetlands. The lot count has been reduced from 16 to 14, bulk information shown on the plan is correct for the zone. Why don't you go over briefly what you want to do here, bring us up to date and if there's any changes since the last time you were here and we'll review it.

MR. SCHOLLMAYER: Thank you. I'm Kurt Schollmeyer, I'm an engineer.

MR. PETRO: Sir, address the board, when I open it up to the public, I'll field the questions.

MR. SCHOLLMAYER: Very good. Our subdivision here for Jed and Margery Sawyer has been revised somewhat as you pointed out we're now proposing 14 lot subdivision and this is a 36.09 acre parcel, we have realized that we were omitting the railroad right-of-way previously which comes down from Jackson Avenue down to Bethlehem Road. That land is going to be retained by the Sawyers after the subdivision and our intention is not to have it as a building lot. It will either be converted to an adjoining landowner or maybe used as a trail system, that's still yet to be decided. We had gone through and completed field testing of the property, performed

our deep tests and our perc tests, we haven't gone to the Orange County Health yet but wanted to make sure we were satisfied with the layout, that's one of the reasons we have this configuration with 14 lots. The zoning is R-1 single family 80,000 square foot minimum road lot area and 48,000 minimum square foot net lot area.

MR. PETRO: Before you go further, I want to go back to the railroad strip, it's remaining lands of Sawyer is the way you're currently showing it, correct?

MR. SCHOLLMEYER: Correct.

MR. PETRO: Show me exactly where that is.

MR. SCHOLLMEYER: It's 3 acres of land here, 3.6 acres from here proposed road right-of-way back down to the big fill on Bethlehem Road.

MR. PETRO: At this time you're creating that as a separate lot or is it adjoining contiguous to another lot?

MR. SCHOLLMEYER: Contiguous to another lot.

MR. PETRO: Is it already a tax number?

MR. SCHOLLMEYER: It's already part of this whole parcel.

MR. PETRO: Well, you're creating it by making the subdivision, you're going for creating the 3 acre lot?

MR. SCHOLLMEYER: Right.

MR. PETRO: It's another 3 acres that's being broken off. Where is the road frontage, Mark, how can he be doing that? I don't understand.

MR. EDSALL: He can't, that's one of my comments is just that that zoning compliance wise that seems to be the only problem is that that's being split off as its own, it wouldn't meet the zoning bulk requirements one way or the other, we have to deal with that, the individual lots seem to be fine, we have to deal with that strip.

MR. SCHOLLMEYER: It's a piece of land that could be conveyed over to an adjoining owner but that would require a lot line change and subdivision.

MR. EDSALL: Which would have to be part of this application because we either have to have it merge with another lot or conveyed by lot line change to someone else because we can't create it as its own lot because it's non-complying.

MR. SCHLESINGER: I'm a little confused, can you show me where the access is to this subdivision?

MR. SCHOLLMEYER: The subdivision comes off Jackson Avenue here.

MR. SCHLESINGER: And there's no access to Bethlehem?

MR. SCHOLLMEYER: No.

MR. SCHLESINGER: Lot 1 does not butt up against Bethlehem?

MR. SCHOLLMEYER: Lot 1 does have a flag out to Bethlehem but the new house is not proposed to access.

MR. SCHLESINGER: Because the plan doesn't to me on my plan just doesn't show the access coming off of Jackson and I quite frankly thought that was going to be access to Bethlehem through the right-of-way but obviously I'm not correct.

MR. PETRO: Mark, what's the actual non-conformity on the 3 acre lot, what's he missing there?

MR. EDSALL: He wouldn't meet lot width.

MR. BABCOCK: He'd have to demonstrate that house could fit on here with a septic system.

MR. EDSALL: Not only does he not meet from a bulk standpoint but the new subdivision regulations require that a lot has to be usable and this clearly wouldn't be a house lot.

MR. ARGENIO: We had this same issue with the lot subdivision off 9W, didn't we?

MR. EDSALL: We did exactly, correct, Mr. Argenio, the lot opposite Sloop Hill became an issue on that so although the rest of the lots may be fine we just need to deal with this old railroad strip one way or another.

MR. PETRO: What does the client suggest to you?

MR. SCHOLLMAYER: Mr. Sawyer is suggesting that we make a revision to our map, his intention was in keeping a 60 foot wide right-of-way so that there would be a ten foot strip of land from lot 1 to this railroad right-of-way, I don't know if that, how would that fit, Mark?

MR. EDSALL: That works, it just makes lot 1 has the responsibility for that strip.

MR. BABCOCK: Just becomes part of lot 1.

MR. SCHOLLMAYER: There's enough area on lot 10 and 14 to make that swap.

MR. MASON: Where would that ten foot strip be?



MR. SCHOLLMEYER: Right now the right-of-way is 50 feet at this point but down here it's 60 near Jackson Avenue so we'd take this proposed road, tilt it slightly to the north so that it can maintain the ten foot strip along this property.

MR. MASON: Make that part of lot 1.

MR. SCHOLLMEYER: Correct and then it won't be a freestanding parcel.

MR. MASON: Lot 1 is going to become a five acre parcel?

MR. SCHOLLMEYER: Yes.

MR. ARGENIO: Does that have a value to lot 1, do you think?

MR. SAWYER: Yes, it does, it does have value to lot 1 because we do have a landowner here adjacent to our property who could possibly develop a lot or two down here.

MR. ARGENIO: Maybe he could use that strip from the back.

MR. SAWYER: He could use that, it was my feeling before we even started this project to leave a ten foot strip on the south side of that road so lot number 1 was connected to the railroad property and be a contiguous piece of property.

MR. ARGENIO: Then that strip of railroad may have greater value to those other lots which I understand are not yours that are accessed off Bethlehem Road.

MR. SAWYER: That's true.

MR. PETRO: How are you going to control it if you sell lot number 1, who's going to own lot number 1? It's for sale?

MR. SAWYER: Well, we planned on keeping lot number 1 and addressing that issue at a later date.

MR. PETRO: You may be able to do it with an easement, Dan can do it through easements.

MR. ARGENIO: My only motivation in mentioning it Mr. Chairman was just that that whole lot sickle shaped thing is something that we have always tried to get away from is these freakish shaped lots that extend hither and yond and don't make sense and that's the reason I suggested it.

MR. SAWYER: If I may, I'd like to say that no one would like to do that anymore than us because when we purchased the railroad property, the reason we purchased it was so that we would buy the property facing our property onto Jackson Avenue, up until that time, we really couldn't access Jackson Avenue. Our only entrance was from off Bethlehem Road. When that property became available, we bought it. There's already two or three of the adjoining landowners that have spoken up and they'd like to have a piece of the railroad property, we'd be more than happy to break up.

MR. PETRO: Later on you can break it up and add it to each one of the lots that's made so it might not be a bad idea, so Mark if it works that way that's fine. Storm water issues have been resolved and the storm water pollution prevention plan submitted, all technical issues have been addressed. Formation of the necessary drainage district with the Town attorney's office for further guidance. All right, this is a public hearing, at this time, I'm going to open it up to the public for comment. On the 26th day of October, 2004, 35 addressed envelopes were mailed. If you have

any comment to make for or against, just come up and be recognized by the chair, come forward, state your name and address and your concern.

MR. ECHART: I'm Thomas Echart (phonetic), 430 Jackson Avenue. Three to four cars per house, that's the standard in our area? It seems to be, so 40 to 50 cars daily traffic. We'd like the planning board to recognize that and provide mitigating circumstances to this fact, the egress is just right at our property basically looking at right here. Our property is here. We asked that basically a buffer zone will be provided with planted shrubbery against the road, move the right-of-way further away from our property so it more aligns up with the current road 60 feet wide and the driveway I think is 50 feet, we ask that this at least five foot strip line to build up a sound barrier basically.

MR. PETRO: What's the, while you're here, what's the plan for any buffer zone or anything along that area, landscaping?

MR. SCHOLLMEYER: We have trees shown on the map, there are some significant vegetation already shown one tree in the area, other than that, there's a proposed sidewalk between the road and--

MR. PETRO: And it's on his side the sidewalk?

MR. SCHOLLMEYER: Yes.

MR. PETRO: Any substantial landscaping there at all?

MR. SCHOLLMEYER: There's really no room once we have the 30 foot road and the right-of-way, the 4 foot sidewalk we're left with a 6 foot strip within the right-of-way, I'm not sure if it's the highway super's, whether he'd like vegetation out of the right-of-way or not.

MR. PETRO: You have five foot sidewalk, four or five foot?

MR. SCHOLLMEYER: Four foot.

MR. PETRO: How much room does that leave you to the right-of-way line?

MR. SCHOLLMEYER: At present, it leaves about seven or eight feet but that's where we're going to tilt the road a little to the north there so once we're done with that probably be down to five feet.

MR. PETRO: But that seems like sufficient enough to put some shrubbery there and to make it nice little buffer, I think he's got a good point, you do have the entire 14 lots coming out next to his house, you're going to stack there, obviously, to make a left or right, I don't think it's unreasonable to have a little vegetation in there, maybe come up with an idea or plan then.

MR. ARGENIO: Here it is ten foot and if in the ten he has to put the sidewalk.

MR. PETRO: I'm sure the highway superintendent wouldn't mind if it's on the other side of the sidewalk which would be the sidewalk vegetation and then your lot line, so can you come up with an idea and show us what you can put there.

MR. SCHOLLMEYER: Yes.

MR. PETRO: I would suggest some four or five foot pines of some kind or something that would buffer some of the sound and some of the site, in other words, don't put petunias in the strip, something that's substantial.

MR. SCHOLLMEYER: That would be fine.

MR. PETRO: That was one the other one you were talking about.

MR. ECHART: Three more points, basically curbs during building time, I don't think it's an appropriate time to put it in, one is the right-of-way, whether it's going to be topped with one layer of blacktop before the entire construction starts because you have trucks running up and down the road kicking up dust.

MR. PETRO: Why don't you go over that quickly? We have steps that have to be taken.

MR. EDSALL: Yeah, obviously, there's going to be a period of time before the pavement is in but before they can get a building permit, the item would have to be in which is stone surface so it's not as dust generating as it would be if it was a dirt road and before they're able to get a C of O, they have to have the pavement course in. So once the house construction starts, it moves rather quickly with the road. Now the period of time when the utilities are put in on most roads this doesn't have sewer and water is when you usually have a lot of dust generation, this doesn't have that particular case.

MR. ECHART: So it will be not topped till the end of the construction?

MR. EDSALL: It will have pavement before the first house can obtain the C.O.

MR. ECHART: Okay, C.O.

MR. EDSALL: First house.

MR. ECHART: The other relates again to the use of machinery during Saturdays and Sundays and I have had

some bad experience on the other side of the road.

MR. PETRO: We have a code in town.

MR. ECHART: Yes but it was never followed and for some reason construction was resting during the week and all the machinery came in Saturday and Sunday.

MR. PETRO: When was that?

MR. ECHART: Two years ago when they built on the other side.

MR. PETRO: We had a code change approximately at that time, what happens is somebody is doing it, if they don't make a complaint, the police won't act on it. So normally on Sunday the hours, Mike, on the other days, what is it, I think it goes to 7 or 10, one of them is 10 o'clock.

MR. BABCOCK: There's hours on everything.

MR. PETRO: I don't know the exact hours, if you give Mike a call and make a complaint then they'll act but if nobody calls--

MR. ECHART: We called and they said there's nothing you can do.

MR. PETRO: But it was changed approximately two years ago and it has been enforced.

MR. ECHART: The last point I don't know if it's for my information as well, let's assume the town wants to put in water and sewer, if my lot is now adjacent to two public roads, assuming that the road will be public, who is going to carry the cost if it's done?

MR. EDSALL: I don't believe there's any plans or anticipated activity to put sewer or water out here.

MR. ECHART: You're looking 20 years down the road.

MR. EDSALL: I can't predict that far ahead.

MR. ECHART: Exactly, that's why I'd like to have assurance who is picking up the tab now?

MR. EDSALL: There's nothing going in.

MR. ECHART: Assurance now who will be picking up the tab of this because I don't see a reason why I should.

MR. BABCOCK: Right now there's nothing planned but if there was water planned for this development 30 years from now whoever benefits from the water line would pay the tab, very simple.

MR. ECHART: So I wouldn't have to pay back?

MR. BABCOCK: If you want to hook up, you benefit in your, in the district, you can pay.

MR. ECHART: On the Jackson Avenue or the other portion?

MR. EDSALL: Whatever properties are in the district and benefited so all depends where the district lines are.

MR. BABCOCK: Doesn't matter if you have two roads, road frontage or not.

MR. ECHART: Thank you, that's it.

MR. PETRO: We'll work on the landscaping.

MR. PETRO: Anybody else?

MR. STEIDLE: I do appreciate the opportunity to speak

tonight, my name is Bill Steidle, I reside at 575 Jackson Avenue, approximately third to a half mile north of the subdivision site. I did have some questions about the railroad but that's been resolved. I thought overall Kurt did a nice job on the layout of the lots, I thought he did a good job of avoiding the Federal wetlands and in general having an efficient subdivision layout. I do however vehemently oppose certain of the town mandates, the town requirements, the first one of which is requirement for lighting for light poles. I view that as a form of light pollution, I don't think it's necessary, you know, as you know, Jim, the site is really in a bowl surrounded by homes at higher elevations. Basically you're going to look down and see, you know, miniature City of Newburgh lit up, I think that's inappropriate. I will tell you that my brother-in-law owns a lot that adjoins the subdivision site just west of the cul-de-sac, basically out his back door will be a light pole, you'll have the cul-de-sac, the light, and then you have his house so, you know, we don't have a light in front of his house, you walk out the back of his house and you have a light, I think that's--

MR. PETRO: We've been over this and you know the answer, right, you know I can't do anything about it.

MR. STEIDLE: Yeah but that's not, you know, an appropriate answer in that someone has to take the initiative to modify that requirement to use some common sense, lighting is appropriate in certain subdivisions, no question, but it's not appropriate in this subdivision, it was not appropriate in the project on Station Road and it's not appropriate in this one.

MR. PETRO: I don't agree or disagree, so I would suggest this. What are you doing tomorrow? Go to the Town Board.

MR. STEIDLE: I will not go to the Town Board.



MR. PETRO: You're asking me to go. I can't change the law, we're an administrative board.

MR. STEIDLE: But you have the ability to make recommendations from a planning perspective and what I am saying to you is a use of lighting in a rural residential zone 80,000 square foot lots sticking light bulbs is something that the planning board should address and bring about changes. Now at some point in the future I will go to the Town Board but I will not go to the Town Board in this present juncture, I have been that route and I will not.

MR. PETRO: Let's do another subject cause I can't do anything there but I will take it under advisement.

MR. STEIDLE: I'm just saying that again that's rural residential zone, it should not be mandated to have lighting anymore than if I were to subdivide my farm into 10 acre lots, you don't need lighting, I mean, it doesn't make sense. The second town mandate which we'll disagree on as we have in the past is the use of sidewalks in again in a rural residential zone. I'd much rather see the 4 feet of sidewalk used for buffering for shrubs for trees whatever but to use it for a strip of concrete defies my sense of logic. If you look at lot number 11, there's 538 feet of frontage next to it is a parcel which adds another, you have two foot ballfields of length there under one ownership and you're going to require a sidewalk for someone to maintain and for the taxpayers of the Town of New Windsor.

MR. ARGENIO: Mr. Steidle, you do know that the applicant does have the right at his discretion to go to the Town Board and attempt to get relief from that? You're aware of that?

MR. STEIDLE: Well, I will say to Mr. Sawyer I would

hope that he would avail himself of that opportunity.

MR. ARGENIO: He does have the right to do that and in certain instances, let me finish, please, I can't cite you on it, but that's the provision that's in that four foot sidewalk requirement.

MR. STEIDLE: Does he have the same right with respect to streetlights?

MR. PETRO: No. Now, also the sidewalks we're not as lenient with the sidewalks, I absolutely disagree with you and I think it is necessary. If my child lived on lot number 6 and wanted to go over to Jackson Avenue for some reason, damn if he's going to walk in that road, there better be a sidewalk, I'll be pretty pissed. Now, what we do do is let them put it on one side of the road to go along with your saying to have it on both sides of the road as some towns require and as the law's written I think is a little bit much but at least one side of the road so somebody can walk there in safety. Next subject.

MR. STEIDLE: Last subject we also will not agree upon is the requirement for 30 foot wide road. A road is wide as or wider than Route 207 just is not in my mind reasonable or logical for a cul-de-sac which never has any potential to be anything other than a cul-de-sac with 14 lots 30 foot wide road. Now you could say well, you want it for safety purposes, why not make it 50 feet wide or 100 feet wide, but a 30 foot wide road is not, you know, that's wider than Jackson Avenue, considerably wider than Jackson Avenue. It doesn't make sense. Those are my comments. The only thing I will say in closing is I don't, I don't enjoy disagreeing with you but I do think lighting is, lighting will affect many people and it's unfair and unnecessary and unreasonable to adversely affect those nearby residents.

MR. PETRO: All three items are Town Code, in other words, if every one of us agreed with you when you walk back down the aisle there's not a thing we can change other than policy through Town Law which we may be able to get somebody's ear and try to change it.

MR. STEIDLE: You have much more potential to do that than I do.

MR. PETRO: And I don't disagree with that statement but first of all, I got to agree with what you're saying and with the lighting, I can go either way, I'm not so sure the sidewalk, definitely one side, the 30 foot road that's Town Code, we certainly don't have any say in that.

MR. STEIDLE: Well, you have rural residential road designs that are 24 feet right in your code, they're right in your code, your code does not say that the road has to be 30.

MR. PETRO: No, I don't know of this, of any 20 foot.

MR. STEIDLE: Twenty-four foot, you have a rural road design.

MR. SCHLESINGER: That's a private road.

MR. STEIDLE: No, no.

MR. PETRO: In other words, I don't want to disagree with you all the time either, this fella came up, he needed some landscaping, I thought it was a good idea, there's space to do it, it's something that we can accommodate, we can do it. I just don't know what to tell you, it would be like arguing with a cop when you're doing 70 in a 50, what are you going to say to the guy, there's nothing that we can do.

MR. STEIDLE: Well, to use that analogy though if the

speed limit on Jackson Avenue is inappropriate, go set forth to lower the speed limit.

MR. PETRO: I would if I really thought it was wrong.

MR. STEIDLE: Come to my brother-in-law's house, go to a party, sit on his back porch and be subjected to a light from somebody else's property shining in there, that's not good planning and that's not, that's unfair, it's unfair, it's as unfair as when the parcel next to me proposed subdivision wanted the road not near their house because they didn't want to be impacted, they wanted it right across from my house, so the lights would come out and you have a light pole so I'd be subjected with the adverse impacts, that's inappropriate as well.

MR. SCHLESINGER: Points are taken but we're not establishing the codes, we're only enforcing them.

MR. STEIDLE: I realize that I don't establish them either, I have to talk to somebody so I come here and--

MR. SCHLESINGER: We hear you.

MR. STEIDLE: And I aggravate everybody. Thank you.

MR. EDSALL: Just as clarification, the rural street spec there's two, one with curbs, one without curbs. The one without curbs which is what Bill's referring to does have a 24 foot traveled way, but it's got three foot shoulder and three foot swale, the overall finished width is 36 feet so there's no 24 foot road in the Town of New Windsor.

MR. PETRO: Mr. Baxter?

MR. BAXTER: I'm Harold Baxter, 505 Jackson Avenue and I have the same concerns as Bill Steidle. Few years ago you changed it to two acre zoning, to me that's

rural, you don't put lights in rural areas and sidewalks, I'm sorry. And if you're talking about sidewalks, your child walking inside this thing to outside of Jackson, I don't know that you should, you should put a sidewalk up to Jackson to my house.

MR. PETRO: Well, the bus may pick him up at that point.

MR. BAXTER: That makes no sense, I mean, if that's what I thought, the idea of the two acre zoning to keep it rural, now you're making a city, if you're going to make a city, you might as well put a lot of houses there.

MR. PETRO: Again--

MR. BAXTER: I know you can't address it but when did this change? When did this come about? Who brought this on? Why should we be subjected to the same zoning that's in the middle of town, the middle of New Windsor?

MR. PETRO: When was the lighting code changed, Mark, do you have any clue?

MR. EDSALL: Take a look for you.

MR. PETRO: We never really had a lot of problems about lighting usually, it's the reverse of what you and Bill are talking about. You people come in and say we want goddamn lights, you better put some lights up, now this is this one and the one that was prior that he's talking about were the first two, I'm here 13 years that I've heard, ever heard anybody say they don't want lights, so we have never had this brought to our attention.

MR. BAXTER: You're getting out into the country and you're not in the Town of New Windsor, you're out in

the country now.

MR. PETRO: I'm not disagreeing, it just never came up before.

MR. BAXTER: I run a dairy farm, I want lights all up and down the whole thing?

MR. EDSALL: Jim, the lighting was I believe always in the code but the latest amendments were made in March of this year.

MR. BAXTER: Well, I would like to know how you go about amending it so it doesn't go any further?

MR. PETRO: Well, I'm--

MR. BAXTER: Stop sidewalks and stop lighting.

MR. PETRO: Being that we're getting this much attention to it, we'll look into it and like Bill said maybe I'm better off to take a look at it than he is and I will do that.

MR. BAXTER: I think so. Thank you.

MR. PETRO: I've got to do it because at Thanksgiving you'll be pushing me off my chair if I don't.

MR. KROLL: I'm just curious, I just want to see this map, are there any lights over at Mt. Airy Estates?

MR. BABCOCK: Yes.

MR. KROLL: Sidewalks are pretty neat, I've been working there and, I mean, I'm with Junior, I tromp through the mud but after a while, you find out a sidewalk is really pretty good, you walk the road, especially people drive there, they have a cell phone, I didn't think that was a bad idea. Lighting's pretty

good, I just want to see one thing cause I can't see the map, where is my property on here?

MR. GALLAGHER: Very top.

MR. KROLL: I have no complaints but the sidewalk I really didn't think that was bad myself.

MR. PETRO: Thank you.

MR. SHAFTNER: Richard Shaftner, 375 Jackson Avenue. I'm here for my old routine that where is the water going, could someone address this to me?

MR. PETRO: We have a storm water plan.

MR. SHAFTNER: I don't want anymore pipes coming down the road.

MR. PETRO: I thought you wanted the water.

MR. SHAFTNER: I want the water? I'm trying to fight the water.

MR. EDSALL: I would let the applicant explain the storm water management plan.

MR. SCHOLLMEYER: Let me introduce the board to what we were discussing earlier. We undertook a storm water analysis of a 65 acre drainage basin, starts east of Bethlehem Road, just at the, I guess the limit of Mt. Airy Estates up there that drains towards the west, there's a few discharges that exist right now under Bethlehem Road and the northern limit is Mr. Kroll's farm. This all combines into a low swale in the middle of the parcel here where the wetlands are and drain out through to existing ponds. The ponds right now when we modeled them seemed to have, don't have sufficient capacity for the larger storms and the models indicate that it may overflow towards Jackson Avenue, may be

relieving some of your condition, the flood on Jackson which we're trying to avoid here. The proposed condition which is shown over here on this larger scale, I don't know if the board can see it, the proposed road Pin Oak Drive is going to be used as an embankment, water's still going to come down off Bethlehem, we can't change that, we're going to pick it up the water that's not running through the site and convey the directly into the wetland area with an easement here and separate drainage system, the Phase 2 EPA storm water regulations require us to treat our water since this is coming from off-site we're considering that to be already treated and clean water so conveying that through but it is still going to be impounded along with our site water behind a berm of Pin Oak Drive that's three foot higher than the present driveway. Matter of fact, there's a requirement in here to fill lot 10 so that it will create the other side of the embankment so the water does not go down and flow over Jackson Avenue. Treatment to be provided as part of the EPA a requirements, two quality basins, one up here, we have this little drainage discharge at the terminus of the road and it all discharges back in the same drainageway and another quality basin that the rest of this road drainage comes in here. Now the heat thing about these quality basins is something that helps with the storm water quantity, they are, our requirements are now to retain the one year storm for 24 hours that was something that wasn't required two years ago with the previous regulations. Another thing that the new Phase 2 storm water requires us to do is to attenuate all storms up to the 100 year storm event, those are everybody remembers Fred that came through here and caused devastation, well, that storm event cannot overtop our structures and cannot discharge at a faster rate than the existing conditions right now where it's all meadow, we have been reviewed by the town engineer quite thoroughly, he's done an excellent job.



MR. PETRO: Basically what you're saying the water's still going to go where it's going now but it's going to go out at the same rate?

MR. SCHOLLMEYER: Same rate or less for one year storm, it's going to take a while to see the storm.

MR. SHAFTNER: This one pond is going to be a foot deep.

MR. SCHOLLMEYER: That pond is.

MR. SHAFTNER: Cause you've got 413 and the spillway is at 414, you've got this whole pond that's only going to be one foot deep, it's going to be like a swamp.

MR. SCHOLLMEYER: That's the berm to the water surface, the water is still deep.

MR. SHAFTNER: What's this elevation in gray?

MR. SCHOLLMEYER: That's the water surface.

MR. SHAFTNER: What's the depth of the pond?

MR. SCHOLLMEYER: I don't know, I'd have to ask Mr. Sawyer.

MR. SHAFTNER: Should show up.

MR. SAWYER: Five or six feet.

MR. SHAFTNER: And this over here would be, this is going to be dug out also?

MR. SCHOLLMEYER: The pond here.

MR. SHAFTNER: I see the pond here, I don't see the pond over here.

MR. SCHOLLMEYER: The pond's right here, the pond's are Army Corps Federal wetlands so we'd rather not deal with disturbing them.

MR. SHAFTNER: Who made this pond?

MR. SCHOLLMEYER: They're part of the farm.

MR. SHAFTNER: You don't need Corps of Engineers approval for manmade ponds.

MR. ARGENIO: Excuse me, I don't want to be rude but are you, what are you getting at? Are you getting at the design is inappropriate or is it inappropriate or is it incorrect in some fashion because if that's what you're getting at then we should be looking at that too.

MR. SHAFTNER: Right, I feel that I would err on overdesign than underdesign, I would rather have it a little deeper if it can be the same over here, hold the water back so I don't get it all at once right now, I can't handle what I've got.

MR. ARGENIO: You get a double barrel shotgun.

MR. SHAFTNER: I get it from Beaver Dam and I get it from up the other way, you were down there, you know.

MR. ARGENIO: I have been to your house, I can see it.

MR. SHAFTNER: And it's getting worse and worse, we went from a 12 to 24 inch pipe to two 24 inch pipes in the middle of the field, I can't even do anything, it's ridiculous.

MR. ARGENIO: Mark, you guys reviewed this whole water mitigation plan, storm water detention?

MR. EDSALL: Yes, as a matter of fact, Pat Hines from

our office has reviewed it and I believe it had I believe three revisions before Pat found the storm water analysis to be acceptable, so it wasn't a pro forma submit and it's fine, I think they went through three revisions before the final version Pat found acceptable.

MR. ARGENIO: That's all he does.

MR. EDSALL: That's his specialty and he does all the reviews for New Windsor because he does have that familiarity.

MR. ARGENIO: With the storm water?

MR. EDSALL: Yes, exactly.

MR. ARGENIO: We have somebody good looking over this gentleman's shoulder, I think we do at least.

MR. SHAFTNER: I want to make sure that I'm not getting anymore water than has to be, I want to make my, and the other thing I'm against the lights and you can start me with the lights over on Beaver Dam that are shining through on me also. Thank you.

MR. ECHART: You're talking about water going down Jackson Avenue, well, I happen to live on Jackson Avenue, I remember the last time I got a hole in back of my house, it was 3 1/2 half feet below level so any time you're talking about increasing water levels outside we're affected, I'm at ground level, my house, that's a concern, if you talk about it's going towards Jackson Avenue, on which side of the proposed right-of-way is it going towards Jackson Avenue?

MR. PETRO: Do you know where he lives?

MR. SCHOLLMAYER: Can I have the last question?

MR. ECHART: Which side of the proposed driveway is the water going to be diverted, is it going to be outside or is it going to be--

MR. ARGENIO: How does it get to Jackson Avenue point to the flow line?

MR. SCHOLLMEYER: Water is coming straight through here in a southerly direction. You're here I believe?

MR. ECHART: Yes.

MR. SCHOLLMEYER: Right now from about this point water drains from the site towards Jackson Avenue, we're going to be installing these catch basins here and taking this much water back towards the pond so that the water going to Jackson Avenue doesn't increase.

MR. ECHART: I need to see the catch basins here.

MR. SCHOLLMEYER: Basins 3 and 3A.

MR. ECHART: But they're on the far side of the road.

MR. PETRO: They're on your side.

MR. ECHART: So I'm hoping it's very high, it's basically--

MR. SCHOLLMEYER: The water that we're going to be pooling in here will be over the period of a day or two given the types of soils that we've seen out there they're not going to be flowing underground in that kind of time period.

MR. ECHART: Well, it's close to my house, it's pretty much a river, there's a lot of open movement.

MR. SCHOLLMEYER: I'd take a look at your house and after the summer storms that we've had through here

there was evidence of water backing up here and going towards Jackson and that's something that we wanted to change and by filling lot 10 here in order to move instead of towards you to the west to the east.

MR. ECHART: Grading along here so it doesn't go here but it goes out on the driveway, is that it?

MR. SCHOLLMEYER: Instead of going west along the driveway passed your driveway, it's going to be diverted more to the east and into this storm water basin.

MR. ECHART: Thank you.

MR. SHAFTNER: Just one other question before you leave, so you mean to tell me that the water that's going down towards Jackson Avenue towards this gentleman now he's not getting it but I'm going to get it so all the other waters are being diverted into that channel down towards me?

MR. SCHOLLMEYER: It's all been balanced out basically it's a spreadsheet balance and it's an accounting system, all the water's been accounted for.

MR. SHAFTNER: On my expense down to me, right?

MR. SCHOLLMEYER: Negative, negative.

MR. SHAFTNER: Where is that water going? Show me.

MR. SCHOLLMEYER: I'll let you write the analysis next time.

MR. SHAFTNER: Can I step over to the map for a second please? You mean to tell me the water that used to go down this way and cross over Jackson Avenue and go right down across these houses over here are now going to be trapped backed up, go into this pond, work its

way down and down through the double barrel shotgun?

MR. SCHOLLMEYER: That's incorrect.

MR. SHAFTNER: Where is it going then?

MR. SCHOLLMEYER: I demonstrated that.

MR. SHAFTNER: Where did you tell him?

MR. SCHOLLMEYER: Water does not flow across Jackson Avenue, I wish it did.

MR. SHAFTNER: It did.

MR. PETRO: That's enough. Any questions on any other subject that we haven't been going over?

MR. EBERG: Jerry Ebert. How far up Jackson Avenue is the project?

MR. SCHOLLMEYER: Half.

MR. ECHART: Half mile from Bethlehem.

MR. ARGENIO: I think it's about across the street where from Ira Conklin's house is on the hill, is that right?

MR. BABCOCK: A little short of that.

MR. PETRO: I see no other hands, I'll entertain a motion to close the public hearing for Valley Fields.

MRS. ECHART: Irene Echart, 430 Jackson Avenue. I have a question. Is there a time limit on construction since from beginning of the when they first start rolling till they're done with all 14 houses?

MR. BABCOCK: No, not typically.

MR. PETRO: Building permit itself is good for 18 months.

MRS. ECHART: So you're going to try to do this in 18 months?

MR. PETRO: That would be for like the first house 18 months but there's 14 houses.

MR. BABCOCK: They have from subdivision approval there's no other zoning ordinance, it could be 30 years from now before they get a building permit on one of the lots, they could wait as long as they'd like.

MRS. ECHART: Thank you.

MR. SCHOLLMEYER: With building schedules you have to remember that in order to build this road there's a lot of investments that have to be made and interest amounts, so there's always that clock running to make sure at least public improvements are going to be made as quick as possible.

MR. SCHLESINGER: Make a motion that we conclude the public hearing for the Valley Fields subdivision.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Valley Fields subdivision on Jackson Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE

MR. ARGENIO                    AYE  
MR. PETRO                    AYE

MR. PETRO: I'll open it back up to the board. Mark, first thing I will bring up while the people are here is the lights, what is the, it happened in March, evidently what's the thinking behind the lights, do you, were you privy to any of the--

MR. BABCOCK: Well, there's safety of course but I think it's just that the people that are in these developments are asking for the lights, that's what's happening, I mean, I have it all the time, they want more.

MR. EDSALL: We have cases where subdivisions had minimized light quantity and another subdivision may go in and for some reason because of intersections may have a greater quantity and the town will get calls and ask how come we have less street lights, we want more, I can appreciate the need or the interest in avoiding light pollution, that's why there's some flexibility in the code to increase the spacing so that the normal spacing is 600 feet, but if we can save a whole light fixture by going to 9 or 800 feet, there's that availability so when Mr. Kroll and I normally look at a layout, we don't look to add street lights, if anything, we look to provide the bare amount of what's needed and if possible avoid light pollution.

MR. PETRO: Has that been done on this subdivision?

MR. EDSALL: We haven't made out the lighting plan.

MR. PETRO: Is it possible to lose some of the lights?

MR. EDSALL: I don't see that that subdivision would really warrant that much street lighting at all.

MR. BABCOCK: And Mr. Chairman, one thing for the



public knowledge these are not street lights that's going in these subdivisions, they're the little colonial type lights, they're not little but they're not something that you would have as a homeowner but they're not street lights.

MR. ARGENIO: It's not a masked arm light.

MR. BABCOCK: Possibly at the intersection over on Pin Oak maybe a regular streetlight for the intersection.

MR. MASON: Your style still going to get a big glow out of it.

MR. SCHLESINGER: There's no code as to the type of lighting?

MR. EDSALL: There is, we use--

MR. SCHLESINGER: Well, the thing I think that we're hearing tonight we also heard on Station Road is the guy doesn't want to go out on his back porch at night and sit there and get a light blaring in his face. Mr. Kroll doesn't want a light shining when he's milking the cows, there's a way of maybe controlling the lighting so that it's not big glaring lighting much like commercial if there's a light shining on somebody's sign and it's affecting the traffic that light has to be adjusted.

MR. BABCOCK: The developer lays out the lights, they suggest what it is, the lighting pattern goes to Central Hudson, they approve that lighting pattern, send it to me, Mark, I have to approve it, Mark has to approve it, the highway superintendent has to approve it for layout then it gets signed for it to be installed so this thing goes through quite a process to get this done.

MR. SCHLESINGER: You established that there has to be

a certain distance and maybe a certain amount of wattage for each fixture or whatever it may be but maybe the developer can take into consideration that if the wattage is 100 watts per fixture not to exceed that obviously and not to disturb or as the people are saying to--

MR. BABCOCK: These lights are being installed by Central Hudson, they're not being involved by the--

MR. PETRO: We're talking about five lights, we just counted them.

MR. EDSALL: If that many.

MR. BABCOCK: You have to drive through one of the new developments like Mt. Airy to see the lights, they're colonial type lights, they're smaller than the lights that we have for our parking lot here.

MR. SCHLESINGER: There's a way of having lighting and not flood the area with lighting.

MR. BABCOCK: I'm getting requests right now for more lights in Mt. Airy.

MR. STEIDLE: That's a whole different ballgame, those are quarter acre lots, that's the problem.

MR. BABCOCK: It immaterial, the people drive down the road, they want lights. I get requests throughout the town for lights.

MR. OSTNER: Trouble is you have city people coming up here.

MR. BABCOCK: When somebody requests it, I can't actually ask them where they come from, you know what I mean?

MR. EDSALL: I think the answer, Mr. Chairman, is we try to minimize the number where possible and number 2 is the town has gotten away from the street highway still luminaires which are very high, create a lot of light pollution and have gone with a lower colonial style with cutoff so the effort is being made and we hear everyone.

MR. BABCOCK: And Jim one of the big things is with the town is that if the developer pays to put these lights in the town will not have to pay some day to put them in, that's the other issue.

MR. PETRO: Any of the members have anything else they want to ask the applicant? I'll entertain a motion for a negative dec.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the SEQRA process for Valley Fields subdivision on Jackson Avenue. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: As previously noted, this applicant will be required Orange County Department of Health approval therefore we will not witness the soil testing, you're going to have to do it with them, the County will do it, also have to send this to the County at this time

under the new code.

MR. EDSALL: No, this application was active before September 1st so--

MR. PETRO: 911 policy of the town requires assigning of street names which I think he did and 911 address numbering at the preliminary approval stage.

MR. EDSALL: I think there was still a review from the fire inspector that they haven't finished the 911 addresses.

MR. PETRO: It's disapproved so it's under review.

MR. EDSALL: Okay.

MR. BABCOCK: I don't know if the applicant's aware of that. Are you aware that the 911?

MR. SAWYER: Yes.

MR. PETRO: The fire is approved it but E-911 is disapproved so you have to get that straightened out. Mark, do you have anything else?

MR. EDSALL: No, I can say they have been very responsive in addressing the issues we have had so they're probably ready to move on to the health department.

MR. PETRO: Okay, we're going to go ahead and I'm assuming everybody is going to vote to give you preliminary approval so what you need to do is on the front of the plan next to this gentleman's house is come up with a landscaping design and implement it on the plan, I'm not going to hold you up tonight cause you've got to work on E-911 and do something with the plan there for landscaping but when you come back for the final we need to see something.

MR. SCHOLLMEYER: It will be on there.

MR. ARGENIO: Motion for preliminary approval for the Valley Field subdivision on Jackson Avenue preliminary approval.

MR. SCHLESINGER: So moved.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant preliminary approval to the Valley Fields subdivision on Jackson Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Thank you.

ZBA REFERRALS:

EXXON MOBILE SITE PLAN AMENDMENT (04-33)

MR. EDSALL: Mr. Chairman, I received a letter yesterday from the applicant indicating that they have identified some additional improvements or modifications they want to look into on the site plan so they have withdrawn for tonight and will be back to us as soon as they resolve that issue.

REGULAR ITEMS:

BUILDERS ASSOCIATION OF HUDSON VALLEY SITE PLAN (04-13)

Mr. Mark Day appeared before the board for this proposal.

MR. PETRO: Propose change in use of the existing building, site work includes reconstruction of the rear portion of the building to two story. The plan was previously reviewed at the 9 June, 2004 and 14 July, 2004 planning board meetings, NC zone.

MR. DAY: At the last meeting we were here and we had presented the project, one of the public stood up and talked about the wetlands, we have since been in front of the DEC, we have applied for the permit, the notice of complete application went out, it was actually published in the paper, the comment period's over Friday, to my knowledge, there's no comment been submitted back to the DEC for the permit. And basically, we have worked through the changes with Mr. Edsall obviously that's where we're at tonight.

MR. PETRO: Submit record of DEC permit, you did that, you said?

MR. DAY: Yes, as a matter of fact in the packages I have a copy here this is the notice of complete application that was filed in the paper, they don't give an affidavit but that's the actual notice. We have, we sent the notice to Scott Shelly certified, this is a copy of it, the certification, he received it on the fifth of November and again comment period's over Friday, this Friday.

MR. MASON: I have been by, this looks real good, it's going to be a nice looking building.

MR. PETRO: Mark, what do we have to do here? My

brain's getting tired.

MR. EDSALL: Well, I see that you took lead agency, unfortunately, I would with Myra out I wasn't able to verify that you have adopted a negative dec, I believe we did because we sent it to DEC.

MR. PETRO: Yes.

MR. EDSALL: So that's done, at this point, I believe you have made a decision on public hearing.

MR. PETRO: Closed it, we had it and closed it.

MR. EDSALL: So you're a hundred percent done procedurally other than considering final approval and I would suggest subject to the items I listed here which are minor in nature.

MR. PETRO: Does anybody on the board, any member want to go over anything else on the plan? We've seen it a number of times, our engineer is telling us that it's a hundred percent.

MR. ARGENIO: Construction at the site is all good in my mind, Mr. Chairman.

MR. PETRO: So we need a motion for final approval and I will read in the subject-to's.

MR. ARGENIO: I'll make a motion for final approval for the Builders Association of Hudson Valley site plan, New York State Route 207 subject to what Jimmy's going to read in now.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Builders Associates of Hudson Valley on Route 207 subject to the record of the DEC permit approval to the planning board, sign is subject to approval of



subsequent ZBA variance must be received prior to the plan being stamped, you understand that, if a variance is obtained indicate same on the plan, it has to be on the plan also, sign should be properly depicted on the site plan, planning board should require that bond estimate be submitted in accordance with Town Code, payment of all approval fees. Other than that?

MR. ARGENIO: Just one question relative to the sign, they can put a sign up that's within code and not go for a variance, right?

MR. BABCOCK: Yes, they can.

MR. EDSALL: What I'm saying they either need to have the sign they're showing on the plan, have a note that says when they got the variance or if they don't get the variance change the sign to meet the zoning.

MR. PETRO: And/or replace one that was already there of whatever size they had.

MR. EDSALL: Correct, bottom line is you can't stamp a plan that doesn't have a variance that doesn't meet the code.

MR. PETRO: Okay, any other comments from any of the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

KING OF KINGS CHURCH SITE PLAN (03-21)

MR. PETRO: Mark, tell us what you want to do there?

MR. EDSALL: Something we always like to do when somebody's proposing a field change just so we can get everyone to concur if they agree that it's not significant, share the plan with these guys, King of King's Church is looking to rearrange their sidewalk on the south side of the building, this is your neighbor to change it to an angular pattern and move the dumpster pad further away and then modify slightly the parking to eliminate one island and just make it striped so it's easier to snow plow.

MR. MASON: I think it's going to be very confusing, people are going to walk up here, not know which way to go.

MR. EDSALL: Only you.

MR. BABCOCK: They're usually members of the church.

MR. MASON: I see.

MR. EDSALL: I thought it was rather minor in nature, if the board agrees, Mike and I can just work it out with them before the C of O.

MR. PETRO: Any of the members object to the minor change?

MR. ARGENIO: I think that would be great.

MR. PETRO: You want it in the form of a motion?

MR. EDSALL: If you want it in a motion.

MR. ARGENIO: I think everybody agrees.

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MR. PETRO: Everybody's in agreement, five ayes.

FIRST COLUMBIA SITE PLAN (03-202)

MR. EDSALL: First Columbia contacted me relative to 03-202 and we had spoke, Mr. Chairman, they wanted to modify the building site but it's actually going to be smaller but within the foot print so I figured that was not a problem until I looked at the file and found out there that their conditional approval had expired so they need a pre-approval and I will just go on the record letting you know that they might be changing the building slightly but it's going to be within the footprint.

MR. SCHLESINGER: Second building?

MR. BABCOCK: That's--

MR. SCHLESINGER: Behind the medical building?

MR. BABCOCK: Correct.

MR. PETRO: When did it expire or you want to have Myra run the--

MR. EDSALL: Just vote a new approval because it's expired.

MR. PETRO: It will start from today.

MR. BABCOCK: It's not an extension, it's a new one. There's no changes.

MR. EDSALL: Way the law reads you have 180 days plus two 90 day extensions to meet the conditions of your approval, after that 360 days is expired, you don't have an approval anymore.

MR. PETRO: Conditional approval?

MR. EDSALL: That expires so they need--

MR. PETRO: New conditional approval?

MR. EDSALL: Correct.

MR. ARGENIO: Make the motion.

MR. PETRO: New conditional approval for first Columbia site plan 03-202.

MR. SCHLESINGER: What do they want to do, change the footprint?

MR. EDSALL: Going to be within the limits of the old building.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded for new conditional approval for 03-202. Was there any further discussion from any of the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. EDSALL: As far as your SEQRA determination you have already fully reviewed this and I don't believe there's any need to redo the, it's the identical impacts.

MR. PETRO: Plus it's part of the entire generic.

MR. EDSALL: So there's no need to revise it.

NEW WINDSOR EQUIPMENT

MR. EDSALL: I have one other issue I mentioned to you earlier, I was asked to just check the record on the lot line change application of New Windsor Equipment with the town application 03-34 and looking back on March 24 of this year, my comments outlined procedural steps for you to stay looking at, do you want a public hearing or not which you ended up waiving it, you had already determined yourself lead agency adopting a negative dec and then conditionally approving it. For some reason, looking at the minutes, they don't reflect you adopting the negative dec, there might have been a lot of discussion and it might have been misunderstood but the record isn't clear that you adopted a negative dec as part of the procedural steps, but we need to make sure that that's on the record.

MR. PETRO: Name of the applicant?

MR. EDSALL: New Windsor Equipment and Town of New Windsor lot line change and you did vote to approve it and you did vote all the other procedural steps but the record isn't clear that you adopted a negative dec for that lot line change.

MR. MASON: That was the video store?

MR. EDSALL: No, this is--

MR. PETRO: This is lands that was acquired from the Town by New Windsor Equipment from the Town of New Windsor. Did we remove a lot line?

MR. EDSALL: Yes, you adjusted a lot line. Obviously lot line changes are of extreme minor significance from a SEQRA standpoint because you're building nothing, just moving a property line, but the record isn't clear and I wanted to see it.

MR. PETRO: I'll entertain a motion to declare the negative dec for the New Windsor Equipment and Town of New Windsor lot line change.

MR. MASON: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the New Windsor Equipment and Town of New Windsor lot line change. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. ARGENIO	ABSTAIN
MR. PETRO	AYE

DISCUSSION

MR. MASON: Just quickly why do we have to, Mike, you're saying earlier about the town putting in street lights, why do we do that, why does the town do that?

MR. BABCOCK: Well, it's a safety issue.

MR. MASON: As a community, if you want street lights create your own district and pay for the lights.

MR. BABCOCK: That's what we do.

MR. MASON: One person on Bethlehem Road complains you want streetlights, you're going to come in and put in 30 street lights?

MR. BABCOCK: No, in a development if the 14 went in without lights and there was all 14 people wanted lights we would then put them in.

MR. MASON: Who would?

MR. BABCOCK: The town.

MR. MASON: As a lighting district they would pay for it. What's the problem? Don't put no street lights. If they want them later, let them do it themselves.

MR. BABCOCK: Well, there's always the cost to the town, that's the problem.

MR. MASON: Let them pay for it if they want as the little community there, that's in my back yard too and I don't want a massive amount of lights down there.

MR. BABCOCK: You have to look at these lights, they're really not streetlights when everybody calls them streetlights.



MR. MASON: I understand but I'm telling you you're going to see it down there if there's a lot of them with everybody else regular lights too it's going to be a problem and as crazy as that sounds I don't disagree with these people.

MR. BABCOCK: There's no street lights on the road and you're driving anyplace like that now every homeowner has a street light of their own, okay, so we put them every--

MR. MASON: That they turn off at night.

MR. BABCOCK: Well, not everybody does.

MR. SCHLESINGER: What do you mean, each homeowner has a street light, a light on their house?

MR. BABCOCK: No, everybody puts the little light out by the road.

MR. PETRO: My point was and is you're talking to somebody that has no control over it anyway, why do you keep bringing that up, we can't do a thing about it.

MR. MASON: I understand but I agree with them.

MR. PETRO: Well, I don't agree or disagree.

MR. MASON: I think there should be a thousand street lights in Vails Gate, Riley, Station, Bethlehem, no.

MR. BABCOCK: Well, Bill will not go, he will not go to Geroge, what he wants, he did make a point saying to you that if you guys believe that the street lights aren't and you guys make a recommendation to the Town Board I think they'll take your recommendation a lot better than they would from the general public, somebody demonstrated to the Town Board that there's a need for these streetlighting, I don't know who did

that, how that happened but they did it and the Town Board said this is a good idea and they made it a law, that's simple.

MR. EDSALL: Keep in mind if the law was a concrete law that said that you must have them in a certain spacing there's no way to waive the distance then you would have no choice but to go to the Town Board, the law does allow flexibility, says greater spacing as determined by.

MR. ARGENIO: By who?

MR. EDSALL: Highway superintendent and myself so what I'm telling you is that if the board believes in rural subdivisions, the highway superintendent and town engineer should make the effort to stretch it out.

MR. ARGENIO: You can put one light every 15, 1,800 feet or every 2,200 feet.

MR. BABCOCK: Intersections.

MR. EDSALL: What I'm saying you may want to convey the concern that you've heard to the highway superintendent and if he's agreeable you can just stretch that limit out.

MR. PETRO: All right.

MR. EDSALL: And save a lot of headache.

MR. SCHLESINGER: I don't understand what you were saying that if the code says there has to be lighting how can you leave it up when you were discussing that with Eric if the Town Code says there has to be lighting whether it's 50 or 500 feet whatever it is there has to be lighting, it's not up to the community or the individual homeowner.

MR. EDSALL: On new subdivisions, existing subdivisions.

MR. PETRO: How many is the gray area, that is how we can appease people?

MR. SCHLESINGER: There's other things which I don't think it's something that's got to be presented maybe to the Town Board but there are other things not only distance but the type of lighting, the height of the lighting, the wattage of the lighting, there's so many other things that can control what these people are referring to as light pollution.

MR. PETRO: What Mike says is true usually and I've been here a long time usually it's the opposite.

MR. BABCOCK: I just got a request to put three more lights into The Reserve and, okay, I know that's small lots, I don't care whether it's small lots or not to me it doesn't matter.

MR. SCHLESINGER: The issue is you're having people coming not from an urban area, people moving into the area where they have lighting and they have sidewalks, they say what, no lighting, no sidewalks? We want that so we're going to be hearing more and more of that. So it may be something that we need to address.

MR. PETRO: A lot of these people that are complaining have a hidden agenda and that is they're getting ready to subdivide their own properties. If I don't have to put up streetlights and I don't have to put in sidewalks, I'm going to do pretty good.

MR. SCHLESINGER: I understand that.

MR. PETRO: That's where a lot of that is coming from.

MR. ARGENIO: Jim, to a certain extent we've seen that

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time and time again with different people in the west end of the town.

MR. PETRO: So it's a little self-serving. Anything else?

MR. ARGENIO: No. Motion to adjourn.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. MASON	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer

11/31/04